

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DALE ENDRIES,

Petitioner,

v.

Case No. 10-C-739

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING MOTION TO ADJOURN

Currently pending before the Court is Petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. The Court concluded that an evidentiary hearing was required and appointed counsel. On January 25, 2011, the Court, in a telephone conference with counsel, set the matter for hearing on March 4, 2011. On February 11, 2011, Petitioner filed an amended motion and a motion to adjourn the evidentiary hearing. He also filed a motion for the release of the Presentence Report ("PSR") to counsel.

The motion to adjourn will be denied. Although Petitioner fears that counsel will not have enough time to prepare for an evidentiary hearing as it is currently set, the Court is satisfied from the facts set forth in amended petition that the evidentiary issues are not complex and should not take long to present. Counsel has already had a significant period of time to review the file and discuss the matter with petitioner. Moreover, in the event it appears that a continuation of the hearing is necessary, such a request can be considered at the close of the currently scheduled hearing. Accordingly, the motion to adjourn is denied.

The motion for release of the PSR to counsel will be granted, however. Counsel is in need of the PSR to prepare for the hearing and to properly advise his client.

SO ORDERED this 14th day of February, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge